

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CUNNINGHAM LINDSEY U.S., INC.	:	CIVIL NO. 1:13-CV-2528
and CL ACQUISITIONS HOLDINGS	:	
LIMITED,	:	(Chief Judge Conner)
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
PAT BONNANI, DALE FOHL, and	:	
VERICLAIM, INC.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 22nd day of October, 2013, upon consideration of the letter (Doc. 36) filed by Cunningham Lindsey U.S., Inc., and CL Acquisitions Holdings Limited (collectively “Cunningham Lindsey”) outlining a discovery dispute and requesting the court to compel disclosure of the unredacted calendar of the chief operating officer of Vericclaim, Inc. (“Vericclaim”) for the time period of July 1, 2013 through September 30, 2013, and further upon consideration of the defendants’ response (Doc. 37) stating that the unredacted calendar reveals the identities of current Cunningham Lindsey employees not successfully recruited by Vericclaim and is thus irrelevant to plaintiffs’ claims *sub judice* and violative of the employees’ right to privacy, and after oral argument by telephone conference and following the court’s *in camera* review of the unredacted calendar, and observing that the very core of Cunningham Lindsey’s claims and request for a preliminary injunction is that Vericclaim intentionally and unlawfully focused its efforts at recruiting and

encouraging a mass exodus of Cunningham Lindsey employees during the late summer of 2013, (See Doc. 1 at ¶ 2 (alleging that “[i]n the months before September 5, 2013, the [defendants] planned and implemented a scheme . . . designed to cripple Cunningham Lindsey’s business operations”)), and that the unredacted calendar is relevant and material to allegations that Vericclaim’s chief operating officer was attempting to recruit Cunningham Lindsey employees during the specific period of July 1, 2013 through September 30, 2013, and the calendar thus having a tendency to make consequential facts more or less probable than they would otherwise be, see FED. R. CIV. P. 401, and thus being discoverable, id., but the court finding that Vericclaim’s request for evidence of Cunningham Lindsey’s recruitment efforts is irrelevant to any claim or fact at issue in this litigation, it is hereby ORDERED that:

1. Cunningham Lindsey’s request (Doc. 36) is GRANTED.
2. Vericclaim is COMPELLED to immediately disclose the unredacted calendar of its chief operating officer, Thomas Simoncic, for the period of July 1, 2013 through September 30, 2013 to Cunningham Lindsey’s counsel. Consistent with the Temporary Protective Order Governing Expedited Discovery (Doc. 34) dated October 15, 2013, the calendar may be designated as “Attorney’s Eyes Only.”
3. Future deponents are directed to respond to lines of questioning regarding the identity of Cunningham Lindsey employees who met with Vericclaim’s chief operating officer, Thomas Simoncic, between July 1, 2013 and September 30, 2013.
4. Vericclaim’s request (Doc. 37) that Cunningham Lindsey be directed to respond immediately to its Requests for Production Nos. 10, 11, and 12 is DENIED.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania